

— EXHIBIT 4 —

From: [Brittany Resch](#)
To: [Stephanie D. Edelson](#)
Cc: [Michael R. O'Donnell](#); [Michael P. O'Mullan](#); [Kori Pruitt](#); [Omar Marouf](#); [Kissinger, Ashley I.](#); [Schilken, Elizabeth L.](#); [Benjamin Osborn](#); [Jennifer B. Miller x20022](#); [Michael Ram](#); [Raina Borrelli](#); [Sam Strauss](#); [Shelby Serig](#); [Abraham Barkhordar](#); [Alex Phillips](#)
Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access
Date: Friday, February 28, 2025 8:35:00 AM
Attachments: [image002.png](#)
[RE EXTERNALDebose v. DB - discovery - Meet and Confer.msg](#)

Hello – I am available at 2:30 ET/1:30 CT on March 4. Please send an invite.

Plaintiffs have shared their authority with Defendant over the past two years while these discussions have been ongoing. See, e.g., attached email. First and foremost, Rule 26(b) (1) (“the parties’ relative access to relevant information... [and] the importance of the discovery in resolving the issues”). Second, there is an abundance of caselaw in products liability cases and theft of trade secret cases supporting Plaintiffs’ request to access the thing that is causing the injury. See, e.g., [Satmodo, LLC v. Whenever Communs., LLC](#), No. 3:17-cv-192-AJB-NLS, 2018 U.S. Dist. LEXIS 121873, at *10 (S.D. Cal. July 20, 2018) (“Balancing the relevant factors weighs in favor of permitting the inspection: Defendants have sole and exclusive access to devices and control over the information they share; inspection of the devices could resolve the issues of the case; and the Court finds that any burden and expense associated with the discovery is proportionate to the needs of the case, will be borne primarily by the Plaintiff, and will be important to the resolution of the issues.”); [Calyon v. Mizuho Sec. USA Inc.](#), 2007 U.S. Dist. LEXIS 36961, at *12 (S.D.N.Y. May 18, 2007) (“in cases where a defendant allegedly used the computer itself to commit the wrong that is the subject of the lawsuit, certain items on the hard drive may be discoverable”); [Gray v. Mazda Motor of Am., Inc.](#), No. SACV 08-279 JVS (ANx), 2008 U.S. Dist. LEXIS 107044, at *5 (C.D. Cal. Dec. 22, 2008) (“Plaintiffs should have known that potential defendants to a case alleging negligence and product liability would undoubtedly want to inspect, as plaintiffs’ experts had done, and perhaps test the object alleged to have caused the damage.”).

Please send any authority you have in support of your position.

These negotiations have dragged on for years. We have hard and fast deadlines in the California action so we need to either reach impasse on the free trial (I understand we are at impasse on the subscription version access) or agree on a protective order on Tuesday. As I understand it, the only issue remaining on access to the free trial is – if Plaintiffs will agree to serve screenshots contemporaneously with when captured to avoid an authenticity dispute later, Defendant will agree to allow Plaintiffs’ counsel to capture screenshots of anything on Hoovers (including of lists and of people who are not named Plaintiffs). When the screenshots are served, Defendant can designate them with

the level of confidentiality it thinks is appropriate.

Thanks,
Brittany

From: Stephanie D. Edelson <SEDELSON@RIKER.com>
Sent: Thursday, February 27, 2025 1:16 PM
To: Brittany Resch <bresch@straussborrelli.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

Brittany:

Are you available next Tuesday, March 4, after 2:00 p.m. (ET), to discuss the D&B Hoovers access? Also, if you have any legal support for Plaintiff's request for access, can you please share that with us in advance of our meeting?

Thank you.
Stephanie

From: Michael R. O'Donnell <MODONNELL@RIKER.com>
Sent: Thursday, February 20, 2025 9:37 PM
To: Brittany Resch <bresch@straussborrelli.com>; Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

We can do 3:30 Central. We will send an invite.

Mike

From: Brittany Resch <bresch@straussborrelli.com>
Sent: Thursday, February 20, 2025 8:18 AM
To: Michael R. O'Donnell <MODONNELL@RIKER.com>; Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael P. O'Mullan <MO_Mullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jb_miller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: Re: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

I can be available on Tuesday from 1:30-4:30 central. Please send an invite.

Get [Outlook for iOS](#)

From: Michael R. O'Donnell <MODONNELL@RIKER.com>
Sent: Thursday, February 20, 2025 5:51:27 AM
To: Brittany Resch <bresch@straussborrelli.com>; Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael P. O'Mullan <MO_Mullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jb_miller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

Brittany:

I had an emergent matter blow up this week. How does next Tuesday or Wednesday look for you for a call?

Mike



Michael R. O'Donnell | Executive Committee
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From: Brittany Resch <bresch@straussborrelli.com>
Sent: Wednesday, February 19, 2025 11:11 AM
To: Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

Hello counsel – following up here. Please let me know when you are available to discuss Defendant's position on access to the free trial and subscription model.

Thanks,
Brittany

From: Brittany Resch
Sent: Friday, February 14, 2025 4:18 PM
To: Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli

<raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>

Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

Hello counsel –

I thought Alex and I were pretty clear that we will not agree to first avail ourselves of the free trial before requesting access to the subscription version. They are a package deal in our minds. Indeed, even Defendant seems to think. See D&B's initial disclosures ("Documents relating to D&B Hoovers' free trial and subscription model.").

It seems the progress I thought we had made on our call last week was not mutual. Please let me know when you are available for a call next week to regroup on this.

Thanks,
Brittany

From: Stephanie D. Edelson <SEDELSON@RIKER.com>
Sent: Wednesday, February 12, 2025 3:29 PM
To: Brittany Resch <bresch@straussborrelli.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

Hi Brittany:

In response to your emails below, we have a different understanding of our discussions regarding Plaintiff's counsel's access to the D&B Hoovers product. It was our understanding that you would first avail yourself of the trial access and, following that access, we would discuss whether you still required access to the subscription version and the reasons you required that access. We also do not believe your description of the differences between the trial and subscriptions versions are accurate. In any event, in an effort to avoid unnecessary motion practice and in a good faith effort to try to resolve these discovery disputes, we are reviewing your email with D&B and will give further

consideration to Plaintiff's request for access to the subscription version. So, the short answer is, no, we are not yet at an impasse and we will get back to you.

Also, the other Riker and Ballard counsel on this email have been participating in these discussions and are fully prepared to further address these issues next week without me.

Will speak to you tomorrow at 2:30.

Best,
Stephanie

From: Brittany Resch <bresch@straussborrelli.com>
Sent: Tuesday, February 11, 2025 5:17 PM
To: Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

Hi counsel – following up here. I would like to either have confirmation of impasse or an agreement on this issue before Stephanie heads out of town next week.

Thanks,
Brittany

From: Brittany Resch
Sent: Friday, February 7, 2025 11:36 AM
To: 'Stephanie D. Edelson' <SEDELSON@RIKER.com>
Cc: 'Michael R. O'Donnell' <MODONNELL@RIKER.com>; 'Michael P. O'Mullan' <MOMullan@RIKER.com>; 'Kori Pruett' <kpruett@RIKER.com>; 'Omar Marouf' <omarouf@RIKER.com>; 'Kissinger, Ashley I.' <kissingera@ballardspahr.com>; 'Schilken, Elizabeth L.' <schilkene@ballardspahr.com>; 'Benjamin Osborn' <ben@benosbornlaw.com>; 'Jennifer B. Miller x20022' <jbmiller@ForThePeople.com>; 'Michael Ram' <mram@forthepeople.com>; 'Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; 'Shelby Serig'

<sserig@forthepeople.com>; 'Abraham Barkhordar' <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>

Subject: RE: [EXTERNAL]Debose v. D&B - Proposal for D&B Hoovers Access

Hi all –

Thanks for the productive call yesterday regarding access to the free trial and paid versions of Hoovers, and negotiating the protective order. I have attached an updated version of the protective order for the free trial access. This will need to be filed separately for each case.

D&B was going to discuss expanding the number of non-contiguous days for which Plaintiff's counsel (in each case) would have access to Hoovers. Plaintiffs proposed 20 days in each case as an initial number. You all agreed that Plaintiff's counsel could ask for more days if and when needed and those reasonable requests would not be denied.

D&B was going to discuss any specific parameters to be required regarding the screenshots that each side takes going forward. These required parameters need to be reciprocal given the dynamic nature of the Hoovers website.

The parties were at impasse on access to the paid version of Hoovers. Here is our position on why we need access to the paid version, as well as the free version. As I have said many times, Plaintiffs need access to the paid version of the D&B Hoovers product because the paid version includes features that are not available in the free-trial version, including: triggers; real-time alerts; intent data; and dynamically updating lists (the "paid-only features"). How the paid-only features function is crucial to: (1) Plaintiffs' ability to respond to D&B's affirmative defenses, in particular its asserted First Amendment defense (see, e.g., *Batis*, Dkts. 47, 62; *Debose*, Dkts. 9, 61); and (2) Plaintiffs' ability to build their affirmative case.

With respect to D&B's asserted affirmative First Amendment defense, the defense turns in part on whether the D&B Hoovers product is a pure speech product, or a product incorporating non-speech elements. Judge Salas ordered supplemental briefing on this issue. She also stated during the motion to dismiss hearing that her decision on any First Amendment defense would turn in part on how the paid-only features work. See, e.g., *Debose*, H'ring Tr., at 83-84 ("[W]e're talking about triggers, real-time alerts, dynamically, updating lists, personalized buyer intent models. . . How am I going to First Amendment when there are . . . issues that have to be resolved with respect to these . . . selling points? . . . Discovery is ongoing. I think this . . . First Amendment argument is better left for summary judgment."). Thus, Judge Salas anticipates a motion for

summary judgment that will turn on the functioning of the Hoovers website, including “real-time alerts” and “personalized buyer intent models.” *Id.* But Plaintiff cannot effectively respond to such a motion without equal access to the evidence. Specifically, Plaintiff needs access to the paid version of the Hoovers site on which the “triggers, real-time alerts, dynamically updating lists, and personalized buyer intent models” are available. See *id.*

With respect to Plaintiffs' affirmative case, the paid-only features are important to proving multiple elements of Plaintiffs' claims. For example:

- Plaintiffs allege that D&B advertises paid subscriptions by offering free access to some information about Plaintiffs and Class members, while hiding other information - for example, intent data - behind the pay wall. To prove this point, we need to show the judge and/or jury a full sales cycle, from trial through purchase and gaining access to the paid-only features. Importantly, the judge and jury need to see all of the information about Class members that is available to paying subscribers, because it is access to this information that motivates purchases.
- Relatedly, Plaintiffs allege that Plaintiffs and Class members' identities are commercially valuable. Plaintiffs intend to show this in part by reference to the paid-only features D&B offers. For example, that D&B sells intent data about Class members' web searches demonstrates the commercial value of Class members' information to D&B and its paying subscribers.

Let me know if another call would be helpful. Otherwise, please confirm if the parties are at impasse on access to the paid version of Hoovers so we can file our motion in *Batis* and send you our section of the joint discovery dispute letter in *Debose*.

Thanks,
Brittany

From: Brittany Resch
Sent: Monday, February 3, 2025 4:50 PM
To: Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <eschilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmillier@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December

18, 2024 Meet and Confer - D&B Response - Proposal for D&B Hoovers Access

Thanks Stephanie.

Plaintiffs will not be able to agree to Section 3.12 or Section 10.2 in the 11/1/2024 General Terms and Conditions. On our Thursday call, please be prepared to discuss how we might exclude these in the protective order, along with how we might handle Section 11.2 in the protective order.

Thanks,
Brittany

From: Stephanie D. Edelson <SEDELSON@RIKER.com>
Sent: Monday, February 3, 2025 1:51 PM
To: Brittany Resch <bresch@straussborrelli.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response - Proposal for D&B Hoovers Access

Hello Brittany:

We confirmed that the applicable General Terms of Use policies are in the link I provided below. When you click on the link, you can go to the General Terms & Conditions in North America and then the most recent link for the period starting 11/1/2024. Please let me know if you have any questions about this.

Best,
Stephanie

From: Stephanie D. Edelson
Sent: Friday, January 31, 2025 4:55 PM
To: Brittany Resch <bresch@straussborrelli.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L.

<schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>

Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response - Proposal for D&B Hoovers Access

Brittany:

Here is one policy that applies: <https://www.dnb.com/online-terms/generalterms.html>

We are confirming if there are any others that apply and will know more Monday afternoon.

Since we have a meet and confer session scheduled for Thursday at 3:30, why don't we discuss the access issues as well at that time.

Have a nice weekend.

Stephanie

From: Brittany Resch <bresch@straussborrelli.com>

Sent: Friday, January 31, 2025 1:16 PM

To: Stephanie D. Edelson <SEDELSON@RIKER.com>

Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>

Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response - Proposal for D&B Hoovers Access

Stephanie – please send the policies today so we can review those before we chat. To that end, let me know if 9-9:30 am central or 1:30-4:30 central work for you on Monday to chat about the policies and the screenshots/videos. I will preface (and reiterate) that the whole point of this protective order exercise is to ensure Plaintiff has the ability to create exhibits for briefing and trial, just like Defendant is able to do (and has been doing).

As I have explained before, unlimited access is necessary to allow Plaintiff to respond to arguments made by Defendant when Defendant makes them in discovery motions, at summary judgement, and at trial, so I do not understand your position against unlimited access. Because we do believe more time is needed, and indeed, we have repeatedly expressed this to you, it seems we are still at impasse, even on access to the trial version.

Plaintiff will move to compel access to the subscriber version. Without the ability to see what is being teased and solicited via the free trial (and how those features work), we are missing access to a major part of the website that underlies our claims. See the motion to dismiss hearing transcript in *Debose*.

Thanks,
Brittany

From: Stephanie D. Edelson <SEDELSON@RIKER.com>
Sent: Thursday, January 30, 2025 5:16 PM
To: Brittany Resch <bresch@straussborrelli.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response - Proposal for D&B Hoovers Access

Brittany:

Thank you for your comments in response to D&B's proposal for access to D&B Hoovers. Here are D&B's further responses.

First, D&B will not, at this point, provide access to the paid subscription version of D&B Hoovers. The claims in Plaintiffs' Complaints, both DeBose and Batis, are premised upon the trial version of D&B Hoovers, not the paid subscription. Moreover, the user experience is, for the most part, very similar as between the trial and paid subscription versions. Therefore, we do not see any need for Plaintiff's counsel to be able to access the paid subscription. To that extent, we propose that Plaintiff's counsel utilize the trial version, as set forth below, and if you believe there is still a need to access the paid subscription as well, we can meet and confer about such further access.

Second, D&B will not provide unlimited access to the trial version. D&B believes that seven days provides more than a fair opportunity to fully explore and familiarize yourself with D&B Hoovers. Again, we propose that you, or other counsel, avail yourself of the trial version for the seven-day period and if you believe additional time is needed at the end of that period, we can meet and confer about extending access.

Third, with respect to the provision relating to prohibiting Plaintiff's counsel from copying, downloading, screenshotting, photographing or otherwise imaging content, we note that this provision, in large part, mirrors paragraph (4) in the Protective Order in Hoffower v. Seamless Contacts, Inc., that you had provided as an example. We note that the Seamless Protective Order prohibited copying and downloading but allowed "capturing screenshots." We are prepared to meet and confer on the issue of allowing screenshots.

Fourth, D&B will provide the applicable policies.

If this is acceptable, please let us know when you are available to meet and confer on the topic of the screenshots, after which we can prepare a Protective Order.

Stephanie

From: Brittany Resch <bresch@straussborrelli.com>
Sent: Wednesday, January 29, 2025 9:39 PM
To: Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <eschilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response - Proposal for D&B Hoovers Access

Hi Stephanie – thanks for circulating D&B's proposal. While we appreciate that you adopted many of the terms that are favorable to D&B from the Seamless order, you removed terms specifically requested by Plaintiff and added terms that directly

contradict Plaintiff's stated purpose in having access in the first place—namely, (1) our request for continuous access just like Defendant has (not 7 days), (2) we need access to both the trial version and the paid version to compare what is being solicited (not just the free trial version), and (3) we need to be able to gather screenshots/videos for use as exhibits just like Defendant has been doing to date.

To that end, see my revisions below.

Finally, on the last point, if you want us to agree to "D&B Hoovers' General Terms of Use. D&B's Terms of Use, Privacy Policy, and all other applicable policies ... any such Terms of Use, Privacy Policy, or any other applicable policies", D&B needs to provide us with the exact policies it wants us to follow so we can review them. We will then need to expressly list those policies in the protective order. Please send these policies asap so we can consider them.

I am travelling tomorrow and Friday but I can try to make time for a call to discuss if that is helpful.

Thanks,

Brittany

From: Stephanie D. Edelson <SEDELSON@RIKER.com>

Sent: Wednesday, January 29, 2025 3:41 PM

To: Brittany Resch <bresch@straussborrelli.com>

Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>

Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response - Proposal for D&B Hoovers Access

Brittany:

Below are bullet points setting forth the terms of D&B's proposal to allow Plaintiff's counsel access to D&B Hoovers. Please note that we adopted many of these terms from the Protective Order you had previously sent me in the Hoffower v. Seamless Contacts, Inc. If these bullet points are acceptable, please let me know and we can prepare a Protective Order for the

parties' and Court's execution.

Best,
Stephanie

- Designated Plaintiff's counsel (a single person) ("Plaintiff's counsel") will be provided one set of login credentials for access to the trial version of D&B Hoovers ~~for a seven-day period and one set of login credentials for access to the paid subscriber version of D&B Hoovers.~~
- In accordance with the terms of use for the trial version of D&B Hoovers, Plaintiff's counsel will not be provided access to or utilization of the download functionality or access to emails or phone numbers.
- Plaintiff's counsel is not permitted to change the account credentials, change the account settings, ~~or upgrade to a paid subscriber account.~~
- The name, email address, primary address, and primary, current IP address of the designated Plaintiff's counsel will be emailed to D&B's counsel of record prior to Plaintiff's counsel first accessing D&B Hoovers so that D&B can track ~~the seven-day usage period~~ and monitor compliance.
- The credentials may be used only by the designated Plaintiff's counsel and no one else, including, but not limited to, any consulting, retained, or potential experts in this matter.
- Plaintiff's counsel will not ~~copy, upload, download, screenshot, photograph, or otherwise image~~ or edit any content appearing on D&B Hoovers.
- Plaintiff's counsel may not use bots, scraping, pagination or other technology in connection with its access to D&B Hoovers, aside from the search engine counsel uses to login.
- Plaintiff's counsel will not use the login credentials or access to D&B Hoovers for any other action or proceeding other than the DeBose and Batis matters.
- Plaintiff's counsel will not use access for purposes of other cases or to conduct research to locate other putative plaintiffs or class members in the DeBose or Batis matters or in any other pending or potential matter.
- If Plaintiff's counsel violates this agreement, D&B may immediately revoke access and will be entitled to seek relief from the Court, including seeking all remedies and sanctions available under Fed. R. Civ. P. 37, and as provided in the Parties' existing Protective Orders in DeBose and Batis.
- Plaintiff's counsel must accept D&B Hoovers' General Terms of Use. D&B's Terms of Use, Privacy Policy, and all other applicable policies will apply to Plaintiff's counsel's use of the credentials and access to D&B Hoovers and the parties agree that D&B is not waiving any such Terms of Use, Privacy Policy, or any other

applicable policies.

From: Brittany Resch <bresch@straussborrelli.com>
Sent: Tuesday, January 28, 2025 5:16 PM
To: Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response

Hi Stephanie – please send your proposal asap so we have time to review and comment if necessary.

As we all agreed when we spoke on Jan 10, if we are not able to agree on a protective order by Friday, Jan 31, we will be filing our motion in Batis and instituting the dispute resolution process in Debose on Monday.

Thanks,
Brittany

From: Stephanie D. Edelson <SEDELSON@RIKER.com>
Sent: Thursday, January 23, 2025 10:42 AM
To: Brittany Resch <bresch@straussborrelli.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response

Brittany:

We are working on it. Hopefully we can have a proposal to discuss with you early next week.

Best,
Stephanie

From: Brittany Resch <bresch@straussborrelli.com>
Sent: Tuesday, January 21, 2025 9:11 PM
To: Stephanie D. Edelson <SEDELSON@RIKER.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response

Hi Stephanie – when can we expect to see Defendant's proposed protective order regarding website access?

Thanks,
Brittany

From: Stephanie D. Edelson <SEDELSON@RIKER.com>
Sent: Tuesday, January 14, 2025 2:37 PM
To: Brittany Resch <bresch@straussborrelli.com>
Cc: Michael R. O'Donnell <MODONNELL@RIKER.com>; Michael P. O'Mullan <MOMullan@RIKER.com>; Kori Pruett <kpruett@RIKER.com>; Omar Marouf <omarouf@RIKER.com>; Kissinger, Ashley I. <kissingera@ballardspahr.com>; Schilken, Elizabeth L. <schilkene@ballardspahr.com>; Benjamin Osborn <ben@benosbornlaw.com>; Jennifer B. Miller x20022 <jbmiller@ForThePeople.com>; Michael Ram <mram@forthepeople.com>; Raina Borrelli <raina@straussborrelli.com>; Sam Strauss <sam@straussborrelli.com>; Shelby Serig <sserig@forthepeople.com>; Abraham Barkhordar <abarkhordar@forthepeople.com>; Alex Phillips <aphillips@straussborrelli.com>
Subject: RE: [EXTERNAL]Debose v. D&B - discovery - Meet and Confer - Follow Up from December 18, 2024 Meet and Confer - D&B Response